

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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TONY G. HEWITT,

Plaintiff,

v.

RUBEN VIDAURRI, *et al.*,

Defendants.

3:12-cv-00202-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#57¹) entered on September 3, 2013, recommending granting in part and denying in part Defendants' Motion for Summary Judgment (#38; errata #45) filed on June 6 and 25, 2013. Defendants filed their Objections to Report and Recommendation of U.S. Magistrate Judge (#58) on September 17, 2013. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of Defendants, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#57) entered on September 3, 2013, should be adopted and accepted.

¹Refers to court's docket number.

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#57)
2 entered on September 3, 2013, is adopted and accepted, and Defendants' Motion for Summary
3 Judgment (#38) is **GRANTED in part and DENIED in part** as follows:


4 (1) Defendants' Motion for Summary Judgment is GRANTED regarding defendants Vidaurri
5 and Neubauer as to Plaintiff's Eight Amendment medical care claim in Count I; and

6 (2) Defendants' Motion for Summary Judgment is DENIED regarding defendants Vidaurri and
7 Neubauer as to Plaintiff's Eighth Amendment excessive force claim in Count II.

8 IT IS FURTHER ORDERED that the parties shall submit their proposed joint pretrial order
9 pursuant to Local Court Rules 16-3 and 16-4 within sixty (60) days of the entry of this order.

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11 IT IS SO ORDERED.

12 DATED this 22nd day of January, 2014.

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14 LARRY R. HICKS
15 UNITED STATES DISTRICT JUDGE
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